

1:20-cr-83

Withdrawal of Plea agreement

48 GEO. L.J. Ann. Rev. Crim. Proc. (2019)

1356

A defendant may withdraw a plea of guilty, or nolo contendere "for any reason or no reason" before the court accepts the plea.
Fed. R. Crim. P. 11(d)(1)

1327

Tollet v. Henderson, 411 U.S. 258, 266-67 (1973) (federal habeas claims of pre-plea ineffective assistance of counsel permitted when counsel's actions prevented petitioner from making a knowing and voluntary plea).

To Judge

In the United States District Court
for the Eastern District of Texas
Beaumont Division

United States of America

v.

Jeremy Chad Dennis

Case No: 1:20 CR 83

Motion to Dismiss counsel
and Appoint new counsel
Motion of Ineffective counsel

Comes now, Jeremy Chad Dennis, Defendant, files the instant, styled motion and moves this court to dismiss Court Appointed counsel and appoint new counsel.

I

Defendant, who has court Appointed Counsel Reynaldo Marin, would respectfully urge this court to dismiss said counsel and appoint New Counsel. Further, The defendant was arrested from the Hefley House on September 21st 2020 and transported to LaSalle Corrections in Sierra Blanca TX. On March 2nd I was transported to LaSalle Corrections Jefferson Downtown Jail. I was arraigned for Conspiracy and Racketeering on March 9th 2021 in Beaumont, TX where as Reynaldo Marin was present and appointed counsel to said Defendant. After arraignment, there was little to no communication between Defendant and counsel until May 17th 2021 where Defendant engaged into a debrief with Government. While in debrief session I was coerced by Attorney to say that the order given by Chunn was a kill order. Defendant feels that he was coerced into faulty plea agreement after debrief with Government. With little to no discussions about discovery or over the agreement. No pre trial motions have been filed Related to defendant's 4th Amendment Right to be told to either sign agreement or go to Trial by Attorney!!

I continuance...

C I and we preparations for possible Defenses for trial.

1) Due to Any potential conflict of interest of Appointment within the Federal Public Defenders office, and 2) The caseload Assignments of A Public Defender Are Potentially to Voluminous to ensure each client is appointed Effective Assistance of Counsel, Due Process and equal Protection Requirements Under the 5th and 6th Amendment Rights to the United States Constitution and that Defendants Are guaranteed effective Assistance of counsel, in criminal Prosecutions (Yarbrough V. Gentry 540 U.S. 1, 5 (2003) *per curiam* Padilla v. Kentucky) 559 U.S. 336, 364 (2010) It Continuance To prepare Sufficiently with New counsel once appointed, As well for All Appeal Reasons to put on Record Ineffectiveness of ^{counsel} ~~counsel~~ suffered at expense of Jeremy Chad Dennis. Defendant requests Outside appointment.

II

Counsel Has An Ethical Responsibility Pursuant to the American Bar Association and Texastate Bar Rules of Professional Responsibility, 1) To communicate with their client, 2) keep them informed in their case 3) Duty to investigate, and 4) Perform Due diligence in the pursuit of a defensive strategy. Counsel Has Failed in all 4 Areas.

III

There Has been a complete breakdown in the Attorney-client Relationship, Neither of current counsel, Nor Any Communications between Attorney - Client concerning preparations for clients "Right to Defense", Only Statements concerning a "wait and see" Approach to the offer from the Government. Therefore, based, upon the Statement Actions, and inactions, Defendant has lost All Confidence in Current Counsel

II

In deciding whether counsels Performance was Ineffective, A court must consider The Totality of the Circumstances (Strickland 466 U.S. 290) The court in Strickland stated that " [I]n a particular set of Detailed Rules for Counsels Conduct can Satisfactorily Take Account of Variety of circumstances faced by Defense Counsel or the Range of Legitimate Decisions Regarding How Best to Represent a criminal Defendant, White v. Ryan, 895 F.3d 641670 (9th Cir. 2018) (Counsel's failure to investigate and present mitigating evidence.) In addition to Affirmative Misadvice, Counsel's Failure to Advise client of Important Issues - Altogether - Such its sentencing Consequences including a Plea, falls below Objective Standards of Reasonableness on Strategy. Defendant Relies on from Counsel for Strategy Defense.

Wherefore, Defendant Prays The court hold Hearing and Grant Said Motion.

Respectfully Submitted

Jeremy Chad Dewitt

Certificate of service

U.S. District Court
Clerk of Court
300 Willow St Rm 104
Beaumont, TX. 77701

U.S. Attorney's Office
350 magnolia Ave Ste 150
Beaumont, TX. 77701

Defendant has placed the instant Motion in the Lasalle Holding Facility.

Jeremy Dennis 42277127
Jefferson County downtown Jail
1001 Pearl St, Suite 101
Beaumont, TX. 77201

NORTH HOUSTON TX 77003

19 OCT 2021 PM 6 1

FOREVER / USA

Judge Todd Hartfield
300 Willow St, Suite 212
Beaumont, TX. 77201

7701-21752